IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3887 OF 2005.
IN
FIRST APPEAL ST.NO. 32322 OF 2003.

State of Maharashtra. ... Applicant.
Versus.
Chandrabhan Santu Gheringe & ors. ... Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 19th July, 2006.

P.C.:

1. There is no dispute between the parties that 50% of the decretal amount has been deposited by the Applicant with the Reference Court.

2. The impugned Award has been made under section 18 of the Land Acquisition Act 1894. The Applicant will have to deposit the entire amount payable under the Award as a condition for grant of interim stay.

3. In view of this, the Application is disposed of by the following order:

i) Rule is made absolute in terms of prayer clause (b) subject to condition of the Applicant depositing with the Reference Court the entire amount due and payable under the impugned Award within a period of 12 weeks from today.

ii) If the amount is not deposited, the Stay will

stand vacated without further reference to the Court.

iii) If the amount is deposited, the Respondents/ Claimants will be permitted to withdraw the same subject to furnishing security to the satisfaction of the Reference court. Before accepting security, the Reference Court will hear the Applicant.

iv) If the amount deposited is not withdrawn by the Claimants within a period of six months from the date of deposit, the Reference Court will invest the same in a fixed deposit with a nationalised bank initially for a period of five years and the same will be renewed thereafter.

Judge.